

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Mark Roberts

Case No. 20-mj-1896

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 14, 2019 in the county of Philadelphia in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

18 U.S.C. § 2252(a)(2)

Offense Description

Distribution and attempted Distribution of Child Pornography.

See Attachment A

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.*s/ Robert Nelson**Complainant's signature*

Robert J. Nelson, Special Agent, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/18/20 4:02 pm*s/ Timothy R. Rice**Judge's signature*City and state: Philadelphia, PA

Honorable Timothy R. Rice, US Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Robert J. Nelson, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), Philadelphia Division, being duly sworn, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the FBI and have been since July of 2019. Since December of 2019, I have been assigned to the Philadelphia Division where I have been a member of the Child Exploitation and Human Trafficking Task Force. I have received training from the FBI in the enforcement of federal child pornography laws. I have received training in the area of child pornography and child exploitation and have had the opportunity to observe and review examples of child pornography (as defined in 18 U.S.C. § 2256) in various forms of media, including computer media.

2. Title 18, United States Code, Section 2256 defines child pornography as any visual depiction, including any photograph, film, video, picture, or computer-generated image or picture, whether made or produced by electronic, mechanical or other means, of sexually explicit conduct where the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; such visual depiction is or appears to be, of a minor engaging in sexually explicit conduct; such visual depiction has been created, adapted or modified to appear that an identifiable minor is engaging in sexually explicit conduct; or such visual depiction is advertised, promoted, presented, described, or distributed in such a manner is or contains a visual depiction of a minor engaging in sexually explicit conduct.

3. As a federal agent, I am authorized to investigate violations of laws of the United States and to execute warrants issued under the authority of the United States.

4. This affidavit is being submitted in support of a criminal complaint and arrest

warrant charging MARK ROBERTS, date of birth July 7, 1993, with distribution and attempted distribution of visual depictions of minors engaging in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252(a)(2).

5. The statements in this Affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe that MARK ROBERTS committed violations of 18 U.S.C. § 2252(a)(2).

LEGAL AUTHORITY

6. Title 18 U.S.C. § 2252(a) prohibits a person from knowingly transporting, shipping, receiving, distributing, reproducing for distribution, possessing, or accessing with intent to view any visual depiction of minors engaging in sexually explicit conduct, produced using a minor engaged in such conduct, when such visual depiction was either mailed or shipped or transported in interstate or foreign commerce, or in or affecting interstate commerce, by any means, including by computer, or when such visual depiction was produced using materials that had traveled in interstate or foreign commerce, and any attempts to do so.

7. Title 18 United States Code, Section 2256(2)(A) defines “sexually explicit conduct” as actual or simulated: sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex; bestiality; masturbation; sadistic or masochistic abuse; or the lascivious exhibition of the genitals or pubic area of any person.

8. "Visual depictions" include data stored on computer disk or by electronic means, which is capable of conversion into a visual image. (See Title 18 U.S.C. § 2256(5)).

PROBABLE CAUSE

9. In December 2019, an FBI employee acting in an undercover capacity (hereinafter "Online Covert Employee" or "OCE") was utilizing the LIVEME application to conduct investigations of individuals trading child pornography.

10. On December 28, 2019, the OCE was active in a group titled "Young Love," which is a group known to the OCE to have members that trade child pornography. The OCE went back and reviewed weeks' worth of chats within the group and observed an individual with LIVEME identifier "278387469" and using the screen name "Matt2756" distribute two files depicting apparent child pornography to the members of "Young Love."

11. Your affiant reviewed the two files distributed by "Matt2756," and in your affiant's opinion, they depict child pornography within the meaning of Title 18 U.S.C. § 2256. These images are the basis for the charges in this Complaint. The two files are further described below:

- a. On December 14, 2019 at approximately 9:25 am MT, "Matt2756" distributed an image which depicted a naked prepubescent male, approximately 6 to 10 years of age, lying on his back with his erect penis and genitals exposed. Another prepubescent male, approximately 6 to 10 years old, is performing oral sex on the prepubescent male who is lying on his back.
- b. On December 14, 2019 at approximately 9:25 am MT, "Matt2756" distributed an image which depicted two naked prepubescent males,

approximately 6 to 10 years old, sitting next to one another with their erect penises and genitals exposed, masturbating.

12. The FBI served an administrative subpoena to LIVEME requesting subscriber data associated to the username “Matt2756.” LIVEME provided IP login data which showed numerous and consistent logins from IP address 73.81.73.48 from September 1, 2019 to January 1, 2020. LIVEME provided the following subscriber data:

- c. USERNAME: Matt2756
- d. SID: 278387469
- e. DATE OF REGISTRATION: February 3, 2017
- f. REGISTRATION DEVICE: iPhone
- g. EMAIL: kirkchance92@gmail.com

13. Per the American Registry for Internet Numbers (www.arin.net) IP address 73.81.73.48 is assigned to Comcast. The FBI then served an administrative subpoena to Comcast requesting subscriber information for IP address 73.81.73.48. In response, Comcast provided the following subscriber information (73.81.73.48), which included the date and times of the distribution of the child pornography videos described above:

- a. NAME: Nicholas Ciarallo
- b. ADDRESS: 2740 Northview Road, Philadelphia, PA 19152-1611 (the defendant’s residence)
- c. TELEPHONE #: (215) 904-7572
- d. EMAIL: nicholas_ciarallo@comcast.net
- e. IP ADDRESS ASSIGNMENT HISTORY: 73.81.73.48 from July 14, 2019

14. On December 30, 2019, SNAPCHAT submitted CyberTipline Report 62112163 to NCMEC, reporting that user account "pro9demon" uploaded apparent child pornography on December 30, 2019 at 06:01:00 UTC.

15. Your affiant reviewed the files shared by user "pro9demon" and in your affiant's opinion, they depict child pornography within the meaning of Title 18 U.S.C. § 2256. Two files are further described below:

- a. On December 30, 2019 at approximately 06:01:00 UTC, "pro9demon" uploaded filename "39efae3f-aa92-40ea-bc46-dabe4e78967c_CHAT_MEDIA_1577509215865.jpeg" which depicted a naked prepubescent male, approximately 6 to 10 years old, lying on his back with his erect penis and genitals exposed.
- b. On December 30, 2019 at approximately 06:01:00 UTC, "pro9demon" uploaded filename "39efae3f-aa92-40ea-bc46-dabe4e78967c_CHAT_MEDIA_155756814954.jpeg" which depicted a naked prepubescent male lying on his back with his erect penis and genitals exposed. Another prepubescent male, approximately 6 to 10 years old, is performing oral sex on the prepubescent male who is lying on his back. This image appears visually identical to the image described in paragraph 11(a).

16. SNAPCHAT identified the account as follows:

- a. PHONE: 215-666-2076
- b. DATE OF BIRTH: July 7, 1993
- c. EMAIL ADDRESS: pro9drift@yahoo.com

- d. SCREEN/USERNAME: pro9demon
- e. IP ADDRESS: 73.81.73.48 10/16/2019 00:08:09 UTC

17. The FBI served an administrative subpoena to T-Mobile requesting subscriber information for the telephone number "215-666-2076" used to register this SNAPCHAT account. T-Mobile then provided subscriber information as follows:

- a. NAME: Gloria Terry
- b. ADDRESS: 2740 Northview Rd, Philadelphia, PA 19152
- c. TELEPHONE #: (215) 666-2076
- d. START OF SERVICE: April 15, 2018 07:00:00 (UTC)

18. Per the American Registry for Internet Numbers (www.arin.net) IP address 73.81.73.48, as described in paragraph 10, is assigned to Comcast. The FBI then served an administrative subpoena to Comcast which confirmed that on October 16, 2019 at 00:08:09, IP address 73.81.73.48 was subscribed to Nicolas Ciarallo, 2740 Northview Rd, Philadelphia, PA 19152. On November 12, 2020, the Honorable Judge Lynne A. Sitarski issued Search Warrant 20-mj-1844 for the residence at 2740 Northview Road, Philadelphia, PA 19152. On November 18, 2020, members of FBI Philadelphia's Child Exploitation Task Force executed the search warrant. During the execution of the search warrant MARK ROBERTS gave a voluntary, non-custodial interview to the FBI. ROBERTS identified his Snapchat account as "pro9demon," but claimed he last used it approximately one year ago. ROBERTS explained that he began using pSnapchat account "pro9demon26" after being unable to log into Snapchat account "pro9demon." ROBERTS also identified his current cellphone number as 215-666-2076, and his email address as pro9drift@yahoo.com. It should be noted that this is the same cell phone number and email address that was used to register ROBERTS' Snapchat account "pro9demon."

19. When agents showed ROBERTS the two child pornography images reported to NCMEC by Snapchat, as described in paragraph 15, ROBERTS stated that he has seen the images before, and that they were from his mobile application, Telegram. When agents showed ROBERTS the two child pornography images from LIVEME account “Matt2756,” as described in paragraph 11, ROBERTS stated he had seen the images before, and that these images were from his mobile application, Telegram.

ADDITIONAL EVIDENCE

20. As part of the search warrant on his home, agents seized multiple electronic items from ROBERTS’ residence. This included ROBERTS’ iPhone. Located on ROBERTS’ iPhone were the applications Snapchat and Telegram. The username associated with his Snapchat account was “pro9demon26,” with the display name “Mark,” an email address of pro9drift@yahoo.com, and mobile number 215-666-2076.

21. The username associated with the Telegram application was “Matt2756,” and the same mobile number of 215-666-2076. Within the Telegram application, there were several chats concerning child exploitation which the defendant, as Telegram user “Matt2756,” sent via private message to other Telegram users. For example:

- a. Between approximately 2/7/2020 and 2/9/2020, Telegram user “Matt2756” distributed more than 1,200 images that depict child pornography within the meaning of Title 18 U.S.C. § 2256 to a Telegram user whose account appeared to have been deleted. Of the images distributed, two of them appeared visually identical to the child pornography images described in paragraph 15, and two of them appeared visually identical to the child pornography images described in paragraph

11.

- b. On August 1, 2020, a Telegram user whose account appeared to have been deleted, sent screen captured images of that user's gallery of child pornography material, to "Matt2756" and requested \$50 for access to this material. The defendant, as Telegram user "Matt2756," negotiated a discounted payment of \$20, and then screen captured his \$20 payment via Paypal. He then sent the screen capture to the Telegram user and advised that his payment was sent. The defendant, as "Matt2756" received a link in return.

CONCLUSION

22. Based upon the information above, I respectfully submit there is probable cause to believe that MARK ROBERTS violated 18 U.S.C. § 2252(a)(2) (Distribution and Attempted Distribution of Child Pornography) on or about December 14, 2019, as described above and as charged in Attachment A. Therefore, I respectfully request that the attached warrant be issued for the arrest of MARK ROBERTS, date of birth July 7, 1993.

Respectfully submitted,

S/ Robert Nelson

Robert J. Nelson
Special Agent, FBI

Subscribed and sworn to
before me on November 18, 2020.

s/ Timothy Rice

HONORABLE TIMOTHY R. RICE
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

Count One – Distribution and Attempted Distribution of Child Pornography – 18 U.S.C. Section 2252(a)(2)

On or about December 14, 2019, in Philadelphia, in the Eastern District of Pennsylvania, defendant MARK ROBERTS, date of birth July 7, 1993, did knowingly distribute and attempted to distribute a visual depiction using a means or facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, the producing of which involved the use of a minor engaged in sexually explicit conduct, and the visual depiction was of such conduct.